

Transportation/Public Works

Final Agenda

Louisville Metro Council

Meeting Date: 07/18/2006

Meeting Time: 4:00 PM

Location: Third Floor, City Hall

Chairs: Tom Owen (8)

Members: Tom Owen (8)
Vicki Welch (13)
Robert Henderson (14)
George Melton (15)
Hal Heiner (19)
Stuart Benson (20)
Robin Engel (22)

Special Items for Discussion: Model Newspaper Caddie Ordinance - Steve Durham & Ken Herndon

- 1 [R-90-7-06](#) A RESOLUTION AUTHORIZING THE MAYOR'S SIGNATURE ENTERING INTO AN AGREEMENT WITH THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET DEPARTMENT OF HIGHWAYS CONCERNING A PROJECT FOR SIDEWALK IMPROVEMENTS ON SOUTH CRUMS LANE.
[Sponsor\(s\)](#) [Transportation/Public Works](#)
- 2 [R-99-7-06](#) A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A FEDERAL PASS THRU GRANT FROM THE KENTUCKY TRANSPORTATION CABINET DEPARTMENT OF HIGHWAYS IN THE AMOUNT OF APPROXIMATELY \$437,000.00 TO BE USED BY PLANNING AND DESIGN SERVICES FOR THE ENHANCEMENT OF BICYCLE & PEDESTRIAN FACILITIES IN THE SENECA PARK AREA.
[Sponsor\(s\)](#) [Transportation/Public Works](#)

- 3 [O-133-7-06](#) AN ORDINANCE AMENDING AND RE-ENACTING LOUISVILLE METRO CODE OF ORDINANCES (LMCO) SECTIONS 115.090 – 115.100, AND 115.999(F), WITH REGARD TO HORSE-DRAWN CARRIAGES.
[Sponsor\(s\)](#) [Transportation/Public Works](#)
- 4 [R-247-11-05](#) A RESOLUTION RENAMING THE SOUTH LOUISVILLE GOVERNMENT CENTER BUILDING IN HONOR OF WILLIAM H. "BILL" WILSON. (re-introduced 5/25/06) (TABLED)
[Sponsor\(s\)](#) [Transportation/Public Works](#)

RESOLUTION NO. _____, SERIES 2006

A RESOLUTION AUTHORIZING THE MAYOR'S SIGNATURE ENTERING INTO AN AGREEMENT WITH THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET DEPARTMENT OF HIGHWAYS CONCERNING A PROJECT FOR SIDEWALK IMPROVEMENTS ON SOUTH CRUMS LANE.

Sponsored By: Councilman Leonard Watkins, District 1

WHEREAS, the Commonwealth and the Metro Government desire to provide for sidewalk improvements on South Crums Lane; and

WHEREAS, the Metro Government desires to be the lead agency on that project.

BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

SECTION I: That the Mayor is hereby authorized to enter into an Agreement with the Commonwealth of Kentucky Transportation Cabinet Department of Highways concerning a project for sidewalk improvements on South Crums Lane.

SECTION II: This Resolution shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

Kevin J. Kramer
President of the Council

Jerry E. Abramson
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

BY: _____

RESOLUTION NO. _____, SERIES 2006

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A FEDERAL PASS THRU GRANT FROM THE KENTUCKY TRANSPORTATION CABINET DEPARTMENT OF HIGHWAYS IN THE AMOUNT OF APPROXIMATELY \$437,000.00 TO BE USED BY PLANNING AND DESIGN SERVICES FOR THE ENHANCEMENT OF BICYCLE & PEDESTRIAN FACILITIES IN THE SENECA PARK AREA.

Sponsored By: Councilman Tom Owen

WHEREAS, the application for the Grant has been reviewed and approved by the Kentucky Transportation Cabinet department of highways; and

WHEREAS, the Metro Government wishes to take advantage of this funding opportunity through Planning and Design Services.

BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

SECTION I: The Mayor is hereby authorized to accept the Federal Surface Transportation Program Metro Louisville Federal Pass Thru Grant and supplemental Federal Congestion Mitigation Air Quality funds from the Kentucky Transportation Cabinet Department of Highways in the amount of approximately \$437,000.00 to be received by Planning and Design Services.

SECTION II: This Resolution shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

Kevin J. Kramer
President of the Council

Jerry E. Abramson
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

BY: _____

ORDINANCE _____, SERIES 2006

**AN ORDINANCE AMENDING AND RE-ENACTING
LOUISVILLE METRO CODE OF ORDINANCES
(LMCO) SECTIONS 115.090 – 115.100, AND
115.999(F), WITH REGARD TO HORSE-DRAWN
CARRIAGES.**

Sponsored by: Council Member

Kevin Kramer

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL AS
FOLLOWS:**

SECTION I. LMCO Sections 115.090 – 115.100 are hereby amended and
re-enacted as follows:

~~§ 115.090 DEFINITIONS.~~

~~_____ As used in this Ordinance, the following terms shall have the following
meanings, unless the context clearly indicates that a different meaning is
intended:~~

~~_____ DIRECTOR. The Director of the Department of Inspections, Permits and
Licenses.~~

~~_____ HORSE-DRAWN CARRIAGE. Any vehicle that is pulled by carriage
horses, dray horses or other draft animals and is used for the purpose of
conveying passengers for hire or for promotion or advertising purposes.~~

~~_____DEPARTMENT. The Louisville Department of Inspections, Permits and Licenses.~~

§ 115.091 PERMIT TO USE PUBLIC WAY.

(A) Any person wishing to engage in the delivery of horse-drawn carriage services that are used for the purpose of conveying passengers for hire, or for promotional or advertising purposes within ~~Jefferson County~~ Louisville Metro shall apply to the ~~Director of~~ Louisville Metro Department of Public Works ~~or his designee~~ for a permit to use the public way, on a form provided for this purpose. The application shall, at a minimum, set forth the proposed carriage routes, the type of carriages to be used, and scale drawings or photographs of said carriages.

(B) The Department of Public Works shall specify carriage routes and operating times that are most acceptable in terms of public health and safety as determined by the Public Works Director. The Metro Government reserves the right to regulate the route and the number of carriages assigned to each route at all times. The decision of the Director shall be final.

(C) Permit holders shall pay \$100 annually to operate on designated central business district routes, and \$25 annually for each additional approved route outside of the ~~central business district~~ Downtown Form District.

(D) Copies of permits shall be carried by drivers of all carriages owned by the company holding the permit.

(E) The Director of Public Works shall designate special curbside areas as carriage stands, for use in picking up and discharging horse-drawn vehicle passengers. If a carriage stand is at capacity, as defined by the sign located at the carriage stand, an approaching carriage must continue to another stand; except to discharge passengers or for a scheduled pick-up.

§ 115.092 APPLICATION FOR CERTIFICATE OF ANNUAL AUTHORIZATION TO PROVIDE HORSE-DRAWN CARRIAGE SERVICES.

(A) It shall be unlawful for any owner of any horse-drawn carriage to operate or permit the same to be operated upon the public streets of ~~Jefferson County~~ Louisville Metro without first having obtained, and having then in force, a horse-drawn carriage business license as provided by this section.

(B) Any person wishing to engage in the delivery of horse-drawn carriage services within ~~Jefferson County~~ Louisville Metro shall submit an application for a certificate of authorization to provide said services to the Louisville Metro Department of Inspections, Permits and Licenses (IPL) on a form provided for this purpose.

(C) The application shall be submitted annually to ~~the Department~~ (IPL) prior to March 1st of each year.

(D) There shall be no fee for the processing of the application.

§ 115.093 STANDARDS FOR APPROVAL OF ANNUAL APPLICATION.

The application shall be approved by Metro Government upon a finding that the following criteria have been met:

(A) The applicant has obtained a permit to use the public way pursuant to Section 115.091; and

(B) The applicant has in force a Commercial General Liability insurance policy as specified in Section 115.094; and has provided a certificate of insurance, or complete copy of the policy if requested, to ~~the Department~~ IPL; and

(C) The applicant has registered with, and maintains good standing with, the Louisville/~~Jefferson County~~ Metro Revenue Commission.

§ 115.094 VEHICLE LICENSE AND INSPECTION STICKER.

(A) Each horse-drawn carriage which is operated on the public way in connection with any horse-drawn carriage service shall be inspected annually by ~~the Department~~ IPL, prior to any vehicle license being issued. The inspection shall verify that the horse-drawn carriage conforms to the inspection criteria as established by ~~the Department~~. Inspection criteria shall be made available upon request.

(B) ~~The Director or his designee~~ IPL shall issue a license for each horse-drawn carriage upon a finding that:

(1) the Department of Public Works has assigned routes to the company requesting a license; and ~~that~~

(2) the carriage complies with the criteria of this subchapter and all applicable regulations governing horse-drawn carriages; ~~and that the~~

(3) Metro Government has been furnished with a certificate of insurance as proof of Commercial General Liability insurance, written through either a licensed or nonadmitted insurance carrier approved by the Kentucky Department of Insurance, with minimum limits of liability of:

~~(1)~~(a) \$100,000 each occurrence

~~(2)~~(b) \$100,000 general aggregate covering the carriage firm's operations throughout ~~Jefferson County~~ Louisville Metro.

(C) The Certificate of Insurance shall also provide that 30 days written notice shall be provided to ~~the Director~~ IPL in the event of cancellation or nonrenewal of the policy. The business owner shall also notify ~~the Director~~ IPL, in the event the insurer fails to do so.

(D) ~~The Director~~ IPL is authorized to collect an annual license fee for horse-drawn carriages in the amount of \$50 for each carriage inspected. The initial licensing period shall expire on March 1st following the date of issuance. The license fee shall not be pro-rated.

(E) ~~The Director, or his designee~~ IPL, shall upon the finding that all of the required criteria of this subsection and all other governing regulations have been fulfilled, issue each horse-drawn carriage a vehicle inspection sticker. The inspection sticker shall be displayed on the rear of each carriage in a manner approved by the IPL Director. The inspection sticker shall ~~contain an assigned~~

~~carriage number to be used~~ be prenumbered for identification purposes and bear an expiration date.

(F) The expiration date for horse-drawn carriage inspection stickers shall be the last day of February of each year.

(G) Horse-drawn carriage inspection stickers shall be in the style and size as directed by the IPL Director.

(H) No permit or license issued under this subchapter shall be transferable.

(I) Whenever a horse-drawn carriage is found not to be in a safe and sanitary condition or not to comply fully with all requirements of this subchapter or any regulations promulgated hereunder, or any other applicable law, ordinance or regulation, the IPL Director is authorized to suspend its license and inspection sticker until compliance is achieved in accordance with Section 115.096.

§ 115.095 LICENSE TO DRIVE HORSE-DRAWN CARRIAGE.

(A) It shall be unlawful for any person to operate for hire any horse-drawn carriage for the purpose of conveying passengers within ~~Jefferson County~~ Louisville Metro without first having obtained, and having then in force, a license to drive a horse-drawn carriage as provided in this section.

(B) Any person wishing to obtain a license to drive a horse-drawn carriage in ~~Jefferson County~~ Louisville Metro shall file an application with the

~~Director~~ IPL on a form provided for this purpose. The application shall be verified under oath and shall certify that the applicant is:

- (1) Able to speak, read and write the English language; and
- (2) Eighteen years of age or older and holds a valid motor vehicle operator's license; and
- (3) Free of defective vision, defective hearing, and any other infirmities that would render him unfit for safe operation of a public vehicle; and
- (4) Free of alcohol and drug addiction.

(C) The applicant shall provide a copy of his/her criminal history, as obtained from the Louisville Metro Police Department, along with any other information required on the application by ~~the Department~~ IPL.

(D) The applicant shall produce written evidence of experience in driving a horse-drawn carriage, or successful completion of a course in such driving given by a source approved by the IPL Director, and shall, if requested, demonstrate his ability.

(E) On approval of an application for a license to drive a horse-drawn carriage, ~~the Director, or his designee,~~ IPL shall issue an annual license to the applicant upon payment of a fee of \$25. This license shall expire each March 1st. This fee shall not be pro-rated. Renewals of this license shall be at the rate of ~~\$42~~ \$25 per year. No renewals shall be issued except upon a finding by the IPL Director or his designee that all original issuance criteria and requirements have been met.

(F) The IPL Director is authorized to suspend any driver's license for failure to comply with the provisions of this subchapter or any regulations promulgated hereunder, as provided by Section 115.096.

§ 115.096 SUSPENSION OR REVOCATION OF LICENSE.

(A) No driver's license, horse-drawn carriage license or carriage inspection sticker issued under this subchapter shall be suspended or revoked, unless the holder of the license is first afforded an opportunity for a hearing before the IPL Director, or his designee, except in the case of an emergency, defined as "a condition or situation posing an immediate threat to public health, safety or property, or to the health or safety of a horse."

(B) Any person against whom such action is taken shall be notified in writing of the reasons of the action; and may request in writing, not more than five days after notice, a hearing, at which the party may be represented by counsel, and may call witnesses in their behalf.

§ 115.097 RATES OF FARE.

(A) The driver of a horse-drawn carriage shall inform any customer of all rates and charges before any service is rendered.

(B) Rates of fare shall be clearly displayed on a card affixed to the rear of the front seat or drivers seat of each carriage. The fare card shall bear the name and address of the holder of the carriage license, a complete schedule of the rates of fare, and any other applicable charges.

§ 115.098 LITTER CONTROL.

(A) Each animal pulling a carriage on ~~Jefferson County~~ Louisville Metro streets shall be equipped with manure-catching devices to hold manure until the operator or driver is able to place it in a standard wire-tie plastic garbage bag which shall be carried with the driver for permanent disposal when the driver returns to the horse-drawn carriage company's base of operations.

(B) Each horse-drawn carriage shall be equipped with a chemical to be poured over horse urine by the drivers ~~so as~~ in order to break down and eliminate accumulative agents and odors.

§ 115.099 HORSE CARE.

(A) All horses used for horse-drawn carriage service shall be provided with daily food and water, free from contamination. Such food shall be wholesome and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

(B) Any structure used for stabling horses used for horse-drawn carriages shall be kept clean, in good repair, well lit, ventilated and provide adequate protection from the elements. Manure and urine shall be removed therefrom daily. Surfaces shall be graded and raked so as to keep them reasonably dry. Clean bedding must be provided. Flies and other insects must be controlled.

(C) All horses used for horse-drawn carriage service must weigh at least 800 pounds.

(D) Horses exhibiting the following shall be deemed unfit for work:

(1) Sores or abrasions caused, or likely to be irritated, by the bearing of services, girth, harnesses or bridles, unless padding could be utilized.

(2) Serious injury or illness.

(3) Obvious signs of emaciation, malnutrition, lameness or exhaustion.

(E) Horses requiring veterinary care shall not be moved, ridden or driven except for the purpose of humane keeping, pasturing or obtaining medical care.

(F) Horses shall be properly shod, and hooves shall be kept trimmed.

(G) Horses shall be kept clean, particularly in the areas in contact with the harness or other tack.

(H) Horses shall not be worked more than two hours without being given a total of 30 minutes rest. The maximum working period for any one horse shall be ten hours out of every 24 hours.

(I) Horses shall not be worked when the heat index reaches or exceeds 120, as reported by the National Weather Service; nor shall horses be worked when the wind chill index reaches or exceeds 0° F. as reported by the National Weather Service. When the wind chill index is below 20° F., the horse must be blanketed during rest periods.

(J) The speed at which any horse is driven shall not exceed a slow trot.

(K) No horse shall be overridden or driven to result in overheating or exhaustion.

(L) Horses shall be provided with water at the loading site and on all routes at all times they are working.

(M) All harnesses and bridles shall be kept oiled and cleaned and in good repair.

(N) All horse-drawn carriages must be kept properly lubricated, the wheels must spin freely and easily.

(O) No horse shall be made to perform by means of any prod, stick, electrical shock, physical force, or by causing pain or discomfort. Any whip or riding crop must be used so as not to cause injury or harm to the animal.

§ 115.100 PROHIBITED CONDUCT.

(A) No driver shall permit more persons to occupy a carriage than the rated seating capacity of the carriage.

(B) Drivers shall pick up and discharge passengers only in designated horse-drawn carriage stand areas on the public right-of-way. It shall be unlawful for carriages to occupy bus or taxicab zones.

(C) No driver shall permit any person to ride on any part of the horse-drawn carriage except the inside while the vehicle is in motion.

(D) Drivers shall not solicit patronage in a loud tone of voice or in any annoying manner or by obstructing the movement of any person or vehicle, or follow any person for the purpose of soliciting patronage.

(E) Drivers are prohibited from smoking while carrying passengers.

(F) No driver shall leave any horse-drawn vehicle unattended at any time, and shall keep the interior of the vehicle clean at all times.

SECTION II. Louisville Metro Code of Ordinances Section 115.999(F) is hereby amended as follows:

Section 115.999 PENALTY.

(F) Any person who violates any of the provisions of Sections 115.090 – 115.100 shall be fined not less than \$100, nor more than \$500. Each day's violation shall constitute a separate offense.

SECTION III. This Ordinance shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

Kevin J. Kramer
President of the Council

Jerry E. Abramson

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

BY: _____

RESOLUTION No. ____ SERIES 2005

**A RESOLUTION RENAMING THE SOUTH LOUISVILLE
GOVERNMENT CENTER BUILDING IN HONOR OF
WILLIAM H. "BILL" WILSON.**

Sponsored By: Council Members Julie Raque Adams, Stuart Benson, Ellen Call, Kelly Downard, Robin Engel, Ken Fleming, Cheri Bryant Hamilton, Doug Hawkins, Hal Heiner, Bob Henderson, Dan Johnson, Jim King, Kevin Kramer, George Melton, James Peden, Barbara Shanklin, Glen Stuckel, David Tandy, Leonard Watkins, and Mary Woolridge

WHEREAS, William H. "Bill" Wilson dedicated his life as public servant and political leader in the Louisville Community; and

WHEREAS, working in the private sector, Bill Wilson distinguished himself as creative director of an advertising and public relations firm; and

WHEREAS, during Bill Wilson's tenure, the agency received the prestigious American Federation of Advertising "ADDY Award"; and

WHEREAS, Bill Wilson was called to public service as 9th Ward Alderman for fourteen years from 1982 to 1996; and

WHEREAS, as Alderman, Bill Wilson served the 9th Ward with dedication and compassion exemplified by his work on various neighborhood improvements in the Park DuValle area, creation of the neighborhood paint program and prescription drug program for the needy; and

WHEREAS, Bill Wilson served as Chair of the Louisville Board of Aldermen Appropriations Committee; and

WHEREAS, while serving as an Alderman, he further distinguished himself by serving as President of the Board of Aldermen for three consecutive terms; and

WHEREAS, though on March 18, 2003 Bill Wilson's life was completed, his memory and spirit lives on through the many lives he touched, including loving wife Sandy; daughters, Michelle, Melanie, Yvette, Toni and Lisa; eight grandchildren; one aunt; and a host of other relatives and friends.

BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

Section I: In order to honor the memory of the former President of the Board of Alderman for the City of Louisville, the South Louisville Government Center Building at 2911 Taylor Blvd., Louisville, KY, is hereby named the "William H. 'Bill' Wilson South Louisville Government Center Building."

Section II: Henceforward, all signage and other written references produced by and for this building shall state this full name, or any abbreviation thereof, or may be shortened for convenience to the "Wilson Building."

Section III: This Resolution shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

Dr. Barbara E. Shanklin
President of the Council

Jerry E. Abramson
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

BY: _____

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